

**CONSERVATION LAND ACQUISITION PROGRAMS
Massachusetts LAND Program & Federal Land and Water Conservation Fund Program
APPLICATION FORM – FY09 ANNUAL GRANT ROUND**

Program Regulation Reminder: IT IS UNDERSTOOD THAT ANY PROPERTY ACQUIRED WITH DCS GRANT ASSISTANCE IS OPEN TO ALL CITIZENS OF THE COMMONWEALTH, AND THAT NO MAJOR ALTERATION OF THIS PROPERTY, OR CHANGES IN THE PROPOSED USES CAN TAKE PLACE WITHOUT THE PRIOR APPROVAL OF THE SECRETARY OF THE EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS, AND WHERE NECESSARY BY THE NATIONAL PARK SERVICE AND THE GENERAL COURT.

All properties for which grant assistance is provided must be open to the general public (not residents only) for appropriate recreational use and must be protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. Chapter 40, §8c.

Eligibility - communities must:

1. Have an approved Open Space and Recreation Plan on file with the Division of Conservation Services. A draft plan is also acceptable provided that it was submitted to DCS within the last 12 months. A condition of final payment will be to obtain DCS approval on the final report;
2. Submit a proposal prior to acquisition of the subject property (land already owned by the community is not eligible); and
3. Have no unresolved protected open space conversion issues with the Executive Office of Energy and Environmental Affairs. (See EEA Article 97 Disposition Policy at: <http://www.mass.gov/envir/mepa/fourthlevelpages/article97policy.htm>).

TAKE NOTE:

- ❖ Several landholdings in a single, contiguous tract may be packaged into one application. Unrelated, separate landholdings must be submitted as individual applications.
- ❖ Municipality's portion of the LAND grant cannot come from any other state funding source with the exception of state Community Preservation Act payments to communities.
- ❖ DCS will host a "How-To" workshop on Wednesday, May 21, 2008 from 10:00 am to 12 noon in Boston at 100 Cambridge Street, Second Floor. RSVP at (617) 626-1011, or contact Nicole.Sicard@state.ma.us. Both the workshop presentation and answers to questions received will be posted on the DCS website.

SUBMITTING APPLICATIONS:

All Applications are due no later than 3:00 p.m. on Tuesday, July 15, 2008. Any Application received after the deadline will be rejected. A postmark will NOT be accepted for verification of date of submission. Applications will NOT be accepted by fax machine or electronic mail. One original and two (2) copies of the Application must be submitted to:

LAND Program Administrator
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Only the original submission must be provided in hard copy format and include the appraisal report(s). The copies of the Application may be submitted as one concise document (including maps) in digital format compatible with Microsoft Office 2000 or Adobe Acrobat, and no additional copies of the appraisal report(s) are required. The Community is encouraged to provide one copy for public review (may be provided without appraisal information which is not public information until the acquisition is complete). Applicants considering delivering documents to EEA by hand should allow plenty of time for travel into and out of the city. Applications will be accepted PRIOR to the deadline.

The application package contains the following documents. Each document contains important information on the application and the grant program in general. Be sure to read the entire package prior to applying for grant funding.

- ◆ Secretary's Announcement Letter
- ◆ DCS Director's Memo to Prospective Applicants
- ◆ Conservation Land Acquisition Projects Application Step Procedures
- ◆ Conservation Land Acquisition Projects Application Form
- ◆ Conservation Land Acquisition Project Selection System
- ◆ Sample Municipal Vote
- ◆ Appraisal Report Guidelines
- ◆ Local Acquisitions for Natural Diversity Program Regulations
- ◆ Attachment A: Boundary Map Guidelines
- ◆ Attachment B: LWCF Proposal Description and Environmental Screening Form

Grant Award Schedule:

Application Release Date:	March 3, 2008
Workshop Date:	May 21, 2008
End of Question Period:	June 30, 2008
Application Deadline:	July 15, 2008
Site Inspections:	Completed by September 12, 2008
Award Announcement:	Anticipated announcement on or about 60 days from Application Deadline
Project Completion:	June 1, 2009 for Land Acquisition Projects, June 1, 2009 or June 1, 2010 for Park Development Projects

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APPLICATION FORM – FY09 ANNUAL GRANT ROUND
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1. Applicant Information

Municipality or State Agency Department Name:

Project Name:

Project Acreage:

Present Ownership Information

Name:

Address:

City:

State:

Zip:

Assessor's Sheet Number:

Lot Number:

County:

Watershed:

Latitude & Longitude at Main Entrance:

Congressional District:

Zip Code:

2. Grant Program Preference

Municipal applicants must state if the application is for funding through the LAND Program and/or the Land & Water Conservation Fund program; please check off the appropriate box below. Municipal projects may be considered for funding under both the federal LWCF program and the LAND Program (indicate this by checking off both boxes below as "yes") – but can only be approved for funding through one of the programs. EEA reserves the right to fund a municipal project from the program source it deems most appropriate and most beneficial to the overall needs of the Secretariat should the applicant apply to both state and federal grant programs.

Would you like to use this application to apply for a LAND Program Grant?

Yes

No

Municipal Applicants applying for a federal LWCF grant: Please note that the federal grant program has a 50% reimbursement rate. This is a separate source of funding and your community, if successful, can only receive a LAND grant or a LWCF grant, not both. Would you like to use this application to apply for a LWCF grant?

Note: to be eligible for LWCF assistance applicants must complete and submit Attachment B.

Yes

No

3. Acquisition Details:

DCS calculates the grant award based on the total project cost based on the approved appraised value, or actual purchase price, *whichever is less*. The maximum grant award available is \$500,000.00. The reimbursement rate is available online.

DCS cannot reimburse for lands purchased prior to the start date on a state standard contract, in accordance with state procurement law. The community must not purchase the land until a state standard contract is signed by both EEA and the community.

Total Project Cost: \$

LAND Reimbursement Rate (confirmed with DCS):

LWCF only applicants use 50%: %

Grant Request: \$

Negotiated Sale:

Yes

No

Do you have a Purchase and Sales Agreement or Agreed Price?

Yes

No

If yes, Amount:

\$

*Is Clear Title available?

Yes

No

If no, is an eminent domain taking anticipated?

Yes

No

If yes, proposed pro tanto award amount:

\$

*Note that if clear title is not available, the applicant may decide to acquire the property by a friendly taking (eminent domain) process to clear the title. It is best to know if there is a potential title problem as soon as possible since this can complicate the acquisition process.

Appraisal Report #1

Valuation: \$

Appraiser:

Valuation Date:

Review Appraisal Report #2 – if land valued at over \$1,000,000

Valuation: \$

Appraiser:

Valuation Date:

Please note: if your project is selected for federal funding, the appraisal must be upgraded to the federal appraisal standards (“Yellow Book”) found at www.usdoj.gov/enrd/land-ack/yb2001.pdf.

Attach a one page description of the proposed project budget including:

- The source of all local funding including donations, and the Community Preservation Act.
- Description of the details of any donation, if applicable. Such funds should be gifted to the community and earmarked for the project.
- Description of any other sources of funding including federal, state, municipal or nonprofit organizations. List these partners and describe their contribution. Not all sources of state and federal funds are compatible with every DCS grant program.

4. Project Description

Describe purpose of acquisition and proposed use in a *one page attachment*. Use the Conservation Land Acquisition Project Rating System and/or LWCF rating system as an outline for the description to ensure the maximum score possible for your Project. Focus on the Project Quality categories in the Rating System. (The Demographic score is calculated by DCS.) Describe the natural resource values and importance to the community’s overall conservation goals as described in the Project Quality section of the rating system. Include information on Water Resources, Landscape Conservation, Working Lands, Biodiversity and Resource Protection, and Recreational Opportunities. Describe the intended use of the property, the level of threat from adverse development. Include a schedule for this project. **Provide a USGS topographic map with an outline of the Project boundary. Include the location, ownership and acreage of other public or quasi-public open space abutting, or close to, the Project on the topographic map (see Recommended Attachment #2).**

Access to the Property: Does Property have frontage on a street?

Yes

No

If yes, list name of street(s):

If *no*, describe how the public can access the property through adjacent landholdings. Grant funds are used to purchase land for conservation and public passive recreational use. Properties that do not have suitable public access cannot be considered for funding.

Zoning, Present Use, and Past Use(s) of the Property. Note that if contamination is suspected, funding will be contingent upon proper mediation of the site, as determined through a Site Assessment, and the appraiser(s) should also address the issue in their evaluation.

Are there Buildings or Structures on the Property? **Yes**

No

If yes, list each one estimating value and current use, as well as intended use should this project be funded. The LAND Program is intended to preserve undeveloped land, not to purchase buildings. If the building is not to be used for conservation purposes, it is not eligible for grant funding and its value should be deleted from the subject property.

5. Municipal Open Space and Recreation Plan and the Statewide Comprehensive Outdoor Recreation Plan

Describe how your Project meets the recommendations in your current Open Space and Recreation Plan and cite the page number references to your plan. If we already have a copy of your plan, there is no need to submit another copy. Comment on how the project meets the regional demand for recreation based on the *Statewide Comprehensive Outdoor Recreation Plan (SCORP)*: “Inferred Need for New Recreational Areas” under Chapter 5: The Regional Perspective.

<http://www.mass.gov/envir/dcs/global/publications.htm>.

6. Town Meeting or City Council Approval.

Submit certified copy of the vote, or draft language. Vote must conform to sample vote language criteria, available online from DCS.

Does your project have an affirmative town meeting vote or city council approval? **Yes** **No**

If not, what is the date for the vote?

7. Commonwealth Capital Application

Communities may submit their FY08 Commonwealth Capital Score or may submit for a score using the FY 08 criteria if they have not done so before (for more information see

<http://www.mass.gov/?pageID=gov3subtopic&L=5&L0=Home&L1=Key+Priorities&L2=Job+Creation+%26+Economic+Growth&L3=Clean+Energy+%26+Smart+Growth-Smart+Energy&L4=Commonwealth+Capital&sid=Agov3> .

Have you applied for a Commonwealth Capital Score? **Yes** **No**

Date of submittal:

8. Signatures

Attach community's legal authority to apply for the grant, and the Chief Executive Officer's legal authorization to execute contracts. This is a resolution, motion or similar action that has been duly adopted or passed as an official act of the community's governing body which authorizes the filing of the application, including all understandings and assurances contained therein.

By _____ Date: _____

Chief Executive Officer

Type Official's Name

Conservation Commission Members (Other town agencies or boards are not eligible for LAND funds.)

Signature	Printed Name	Address
	Chair	

9. Project Manager

Attach authorization from the Chief Executive Officer identifying the individual named below who acts as the official representative of the community in connection with this application. The Project Manager will coordinate all aspects of the acquisition: from application to reimbursement should the application be successful. Ideal candidate will have access to the city or town's Chief Executive Officer, Conservation Commission, Municipal Counsel, and Municipal Treasurer.

Name:

Affiliation with Municipality

Address at City or Town Hall:

City:

State:

Zip:

Daytime Phone Number:

Fax Number:

E-mail address:

Date Prepared:

ATTACHMENTS – use this as a checklist and please label attachments.

REQUIRED: applications that are missing these items will not be accepted

1. **Project Description and Budget Details** (see #3 and #4 above).
2. **Municipal Open Space and Recreation Plan**, if not already on file at DCS. Plans are approved by DCS for up to five years of eligibility in DCS grant programs. A draft plan is also acceptable if submitted between August 1, 2007 and July 15, 2008, however the plan must be approved by DCS prior to any payment of a grant award.
3. **Appraisal report(s)** as required by DCS. Note that projects applying for federal funding must submit the appraisal(s) to meet federal appraisal standards ("Yellow Book") found at www.usdoj.gov/enrd/land-ack/yb2001.pdf.

REQUIRED for LWCF: those applying to the federal Land and Water Conservation Fund Program must submit the previous information and:

1. **Plot plan or survey map** showing the project boundary, see Attachment A. The project area must be shown in enough detail to be legally sufficient to identify the lands to be protected. A registered survey plan with deed references or assessor's map with block and lot number are acceptable.
2. **Massachusetts Historical Commission comments:** Send the MHC a PNF (<http://www.sec.state.ma.us/mhc/mhcnf/pnf.pdf>) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. There is no need to telephone or email the MHC. See these websites for any questions: <http://www.sec.state.ma.us/mhc/mhcnf/pnfguide.pdf> and <http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>. If MHC cannot respond by the application deadline, submit a copy of the cover letter to MHC requesting their review.
3. **LWCF Proposal Description and Environmental Screening Form** – See Attachment B.

STRONGLY RECOMMENDED: Provides details to information requested and assists in project evaluation.

1. **A Cover Letter** on Conservation Commission letterhead that, at a minimum, identifies or discusses the specific parcel(s) of land to be acquired; a clear statement of the parcel(s)'s importance to the community's natural resource protection needs; any partnerships, financial or otherwise, formed to facilitate the acquisition and/or long-term protection of the parcel(s); and a detailed project schedule.
2. **USGS topographic map** showing project boundary and relationship to other public or quasi-public open space properties nearby. Show current use of adjacent lands and give ownership information if land is protected open space. If contiguous lands are under public ownership, identify agency and use. This map will serve as a locus map for site inspection by DCS staff.
3. **Plot plan or survey map** showing the project boundary, see Attachment A. The project area must be shown in enough detail to be legally sufficient to identify the lands to be protected. A registered survey plan with deed references or assessor's map with block and lot number are acceptable.
4. Sufficient materials that will allow **MassGIS** to create an accurate digital representation of the proposed site. These materials include either 1.) a USGS topological map or copy (including the name & date of the quad) with the site accurately drawn on it, with a copy of the site plan and/or a survey plan if available **or** 2.) a printout of the digital representation of the site on a USGS topological map background and a note indicating that the digital representation of the site has been emailed to dominique.pahlavan@state.ma.us in appropriate format (Massachusetts State Plane Meters NAD1983 Datum) with a subject line that includes the words "LAND Program FY09 Grant Round".
5. Certified copy of affirmative **Town Meeting vote** or **City Council Order**, or draft language using the DCS sample vote language.
6. **Draft Conservation Restriction (CR)** – if your project involves the purchase or conveyance of a CR, please complete a separate CR application and submit a draft restriction along with this application. To obtain a copy of the Conservation Restriction Handbook, visit www.state.ma.us/envir/conservation/restrictions.pdf.
7. **Other State Agency Review** – If it is not possible to include their response in the application package to DCS, attach a copy of your cover letter requesting their input.
 - Massachusetts Natural Heritage and Endangered Species Program (MNHESP at www.state.ma.us/dfwele/dfw/nhresp/heritage).
 - Massachusetts Historical Commission: Send the MHC a PNF (<http://www.sec.state.ma.us/mhc/mhcnf/pnf.pdf>) with a photocopy of the USGS locus map with the property boundaries clearly indicated, smaller-scale property maps if available, and a cover letter to include information about any known historic or archaeological sites. Send this certified mail, return receipt requested, so that you know when it was received. MHC will review and comment to DCS (and copy the applicant) within 30 days of receipt. There is no need to telephone or email the MHC. See these websites for any questions: <http://www.sec.state.ma.us/mhc/mhcnf/pnfguide.pdf> and <http://www.sec.state.ma.us/mhc/mhcrevcom/revcomidx.htm>.

8. **Commonwealth Capital Score** – your community's FY08 Commonwealth Capital Score can be found online at <http://www.mass.gov/ocd/comcap.htm>. For questions on Commonwealth Capital email commcap@massmail.state.ma.us

If selected for LAND funding, the Respondent will be required to execute the following forms in order to complete a contract:

- LAND Project Agreement (available online at www.mass.gov/envir/dcs).
- Commonwealth Standard Contract
- Commonwealth Standard Terms & Conditions
- Contractor Authorized Signatory Listing

Projects selected for federal Land and Water Conservation Funds will be required to submit a Boundary Map and LWCF Proposal Description and Environmental Screening Form for the subsequent application that is submitted by EEA to the National Park Service. If selected for LWCF funding, the Respondent will also be required to execute the following forms in order to complete a contract:

- LWCF Project Agreement and SF424, 424C and 424D.
- Commonwealth Standard Contract
- Commonwealth Standard Terms & Conditions
- Contractor Authorized Signatory Listing